

6/20/94

IN THE DISTRICT COURT OF IOWA IN AND FOR POLK COUNTY

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IOWA DEPARTMENT OF PERSONNEL,	:	
	:	
Petitioner,	:	CASE NO. AA 2298
	:	
v.	:	
	:	
IOWA PUBLIC EMPLOYMENT	:	
RELATIONS BOARD,	:	RULING ON PETITION FOR
	:	JUDICIAL REVIEW
Respondent,	:	
	:	
and	:	
	:	
IOWA UNITED PROFESSIONALS,	:	
	:	
Intervenor.	:	

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On June 3, 1994, the above-captioned matter came before the Court for oral argument relating to the petition for judicial review filed by the Iowa Department of Personnel. Petitioner appeared by Assistant Attorney General Linny Emrich. Respondent PERB appeared by its attorney, Jan V. Berry. Intervenor Iowa United Professionals appeared by its attorney, Matthew Glasson. After hearing the arguments of counsel, reviewing the record of proceedings below and the above-captioned court file, and being fully advised in the premises, the Court now enters the following ruling.

The present dispute arises out of negotiations between the Iowa Department of Personnel and Iowa United Professionals for the 1993-95 collective bargaining agreement. The issue between the parties concerns the question of whether seniority and layoff proposals offered

during the negotiations by the parties are mandatory, permissive or illegal subjects of bargaining.

At the hearing where the parties presented their oral arguments, all parties agreed that the issue before the Court is purely legal. There are no findings of fact made by PERB which are being challenged on appeal, and no suggestion that any factual determinations are unsupported by substantial evidence. The sole issue before the Court is the propriety of the Board's ruling that the seniority and layoff proposals offered by IUP and the State both constitute mandatory subjects of bargaining under Iowa Code Section 20.9.

The Court has reviewed the briefs filed by each of the parties, the ruling filed by PERB on September 24, 1993, and the authorities cited by the parties in those documents. The Court concludes that the ruling by PERB was correct in all respects, and adopts the reasoning set forth in the Board's ruling of September 24, 1993. The decision of PERB of September 24, 1993 is hereby AFFIRMED.

Dated this 20th day of June, 1994.

A handwritten signature in cursive script, appearing to read "Robert A. Hutchison".

Robert A. Hutchison, Judge-  
Fifth Judicial District of Iowa